

**PROCEEDINGS OF THE COMMON COUNCIL OF  
THE CITY OF RICHMOND, INDIANA,  
MONDAY, JULY 7, 2008**

The Common Council of the City of Richmond, Indiana met in regular session Monday, July 7, 2008 in the Council Chambers in said City.

**PLEDGE OF ALLEGIANCE**

**PRAYER BY COUNCILOR GOODWIN**

President Parker presided and the following business was conducted:

**ROLL CALL**

Councilors present were Howard "Jack" Elstro, Bruce Wissel, Clay Miller, Bing Welch, Larry Parker, Robert Goodwin, Diana Pappin and Phil Quinn. Absent was Councilor Cruse-Nicholson.

**APPROVAL OF MINUTES**

Councilor Welch moved to approve the minutes of the meeting of June 16, 2008, with a second by Councilor Pappin. Upon a vote viva voce, the motion passed.

**PRESENTATIONS, MEMORIALS OR REMONSTRANCES, PETITIONS AND INTRODUCTIONS,  
MOTIONS, RESOLUTIONS**

**RESOLUTION NO. 5-2008 – A RESOLUTION ALLOWING A LATE FILED STATEMENT OF BENEFITS  
FORM FOR A TAX ABATEMENT FOR SUNCALL AMERICA, INCORPORATED-ADI**

The Clerk read Resolution No. 5-2008 by title only.

This Resolution would allow a late filed tax abatement request from Suncall America, Inc. ADI and allow the approval of Ordinance No. 45-2008 which is a request of Suncall America, Inc. for a 10-year tax abatement for equipment valued at \$1,530,226. The Tax Abatement Committee recommended approval.

Speaking in favor of this Resolution was David West, Sr. Manager of Suncall America. Mr. West explained a change in personnel was part of the reason for the oversight of not filing the necessary documents in a timely manner. The error was discovered during a routine audit.

Councilor Miller moved to adopt Resolution No. 5-2008, supported by Councilor Wissel. Upon a vote viva voce, the motion passed.

**RESOLUTION NO. 6-2008 – A RESOLUTION ALLOWING A LATE FILED STATEMENT OF BENEFITS  
FORM FOR A TAX ABATEMENT FOR SUNCALL AMERICA, INCORPORATED-ADI**

The Clerk read Resolution No. 6-2008 by title only.

This Resolution would allow a late filed tax abatement request from Suncall America, Inc. ADI and allow the approval of Ordinance No. 46-2008 which is a request of Suncall America, Inc. for a 10-year tax abatement for real estate valued at \$4,981,105.

Speaking in favor of this Resolution was David West, Sr. Manager of Suncall America. Mr. West explained a change in personnel was part of the reason for the oversight of not filing the necessary documents in a timely manner. The error was discovered during a routine audit.

Councilor Miller moved to adopt Resolution No. 6-2008, supported by Councilor Wissel. Upon a vote viva voce, the motion passed.

#### **COMMUNICATION FROM THE MAYOR**

- In the absence of Mayor Hutton, due to the death of her mother, Tony Foster reported that all City employees are working to prepare for the Model T celebration July 21-26.

#### **REPORT FROM BOARD OF PUBLIC WORKS AND SAFETY**

Minutes of the June 12 & 19, 2008 meetings were accepted as presented.

#### **REPORTS FROM DEPARTMENT HEADS, STANDING COMMITTEES, SPECIAL COMMITTEES and/or ORGANIZATIONS**

- Ron Church, Director of the Human Rights Commission, made the following statement:

*I wanted to briefly address the Council this evening regarding a recent incident that took place on June 19<sup>th</sup>, 2008. On that day, the former director of the Human Rights Commission, Ronald Chappell, appeared on a local radio call-in show and made several negative personal opinion comments regarding the Commission, Commission Chair Robert Hunter, the Commission office, and Richmond Common Council. Because his comments were based on his personal and potentially disgruntled opinions, I cannot provide any explanation for the motivation behind them. Additionally, I cannot provide an apology for the attempted public discrediting of the Commission and Council. However, I can emphatically state that the opinions expressed by Mr. Chappell regarding the Commission, Commission Chair Robert Hunter, and the Richmond Common Council are NOT the opinions or beliefs held by myself, Investigator Rose Dangerfield, or the Commission as a whole. The Commission and our office is fully dedicated to the mission that we have, as well as to working with Common Council to protect the rights of individuals AND businesses who choose to reside and do business in Richmond Indiana.*

#### **MISCELLANEOUS BUSINESS**

- HUMAN RIGHTS COMMISSION – NOMINATIONS FOR BOARD VACANCY – Nominations will be received until the July 28 meeting.
- Meeting additions and changes are as follows: Committee of the Whole re: Ordinance No. 51-2008 – An Ordinance Imposing the Richmond Food and Beverage Tax - July 15-7:00 PM; the regularly scheduled meetings of the Board of Directors for Richmond Power & Light and the Common Council of the City of Richmond have been rescheduled for July 28-regular times; Committee of the Whole Re: 2009 Budget - August 26, 27 & 28-7:00 PM; and the 2009 Budget Adoption Hearing – September 29-7:00 PM.
- Councilor Quinn thanked the Street and Park Department for their efforts in “sprucing up” the downtown area.
- **Nathan \_\_\_\_\_, is working on his Government Merit Badge for Boy Scouts and attending the Council meeting was one of the requirements.**

#### **ORDINANCES ON FIRST READING**

Councilor Elstro moved to suspend the rules and read Ordinance Nos. 50, 51 & 52-2008 on first reading by title only with a second by Councilor Quinn. Upon a vote viva voce, the motion passed.

**ORDINANCE NO. 50-2008 - AN APPROPRIATION ORDINANCE AMENDING THE 2008 BUDGET (Roseview Transit)**

The Clerk read Ordinance No. 50-2008 on first reading by title only.

Presented by Terri Quinter, Roseview Transit, this Ordinance would transfer funds within the 2008 transportation budget.

Councilor Welch moved to advance Ordinance No. 50-2008 to second reading and to suspend the rules and read by title only, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 50-2008 on second reading by title only.

Council President Parker declared Ordinance No. 50-2008 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 50-2008, supported by Councilor Wissel. Upon a vote viva voce, the motion passed.

Councilor Wissel moved to advance Ordinance No. 50-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Miller. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 50-2008 on third reading by title only.

Ordinance No. 50-2008 was adopted with an 8-0 roll call vote

**ORDINANCE NO. 51-2008 – AN APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 46-2007 KNOWN AS THE 2008 SALARY ORDINANCE**

The Clerk read Ordinance No. 51-2008 on first reading by title only.

Presented by Ron Church, this Ordinance would amend the 2008 Salary Ordinance to adjust salaries for redirected personnel within the Human Rights Office.

Councilor Wissel moved to advance Ordinance No. 51-2008 to second reading and to suspend the rules and read by title only, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 51-2008 on second reading by title only.

Council President Parker declared Ordinance No. 51-2008 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Welch moved for engrossment of Ordinance No. 51-2008, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

Councilor Welch moved to advance Ordinance No. 51-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 51-2008 on third reading by title only.

Ordinance No. 51-2008 was adopted with an 8-0 roll call vote

**ORDINANCE NO. 52-2008 – AN ORDINANCE IMPOSING THE RICHMOND FOOD AND BEVERAGE TAX**

The Clerk read Ordinance No. 52-2008 on first reading by title only.

Presented by Mark Walker, Wayne County Tourism & Convention Bureau, this Ordinance would impose a tax on food and beverage transactions at the rate of one percent (1%) of the gross retail income of the food and beverage transactions occurring anywhere in the City. If adopted, this tax would apply to transactions occurring on and after January 1, 2009.

A Committee of the Whole meeting was scheduled for July 15, 7:00 PM.

## **ORDINANCES ON SECOND READING**

**ORDINANCE NO. 38-2007** – A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1(*Bev's Threads*)

The Clerk read Ordinance No. 38-2007 on second reading by title only.

This Ordinance is a request by Bev's Threads Etc., LLC/Theo. Tiedermann @ Sons Inc. for a five-year tax abatement on equipment valued at \$35,000.00. The Tax Abatement Committee recommended approval.

Council President Parker declared Ordinance No. 38-2007 on second reading and public hearing. Speaking in favor was Mort Carmichael and Peter Golitely, Executive Vice President of Bev's Threads. There being no comments against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 38-2007, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

Councilor Welch moved to advance Ordinance No. 38-2007 to third and final reading and suspend the rules and read by title only, supported by Councilor Miller. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 38-2007 on third reading by title only.

Ordinance No. 38-2007 was adopted with an 8-0 roll call vote.

**ORDINANCE NO. 39-2007** – A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1(*Bev's Threads*)

The Clerk read Ordinance No. 39-2007 on second reading by title only.

This Ordinance is a request by Bev's Threads Etc., LLC/Theo. Tiedermann @ Sons Inc. or a ten-year tax abatement on equipment valued at \$450,000.00.

Councilor Wissel moved to amend the equipment value in Ordinance No. 39-2007 to \$504,872, supported by Councilor Welch. Upon a vote viva voce, the motion passed. The Tax Abatement recommended approval with the approved amendment.

Council President Parker declared Ordinance No. 39-2007 as amended on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Pappin moved for engrossment of Ordinance No. 39-2007 as amended, supported by Councilor Wissel. Upon a vote viva voce, the motion passed.

Councilor Wissel moved to advance Ordinance No. 39-2007 as amended to third and final reading and suspend the rules and read by title only, supported by Councilor Miller. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 39-2007 as amended on third reading by title only.

Ordinance No. 39-2007 as amended was adopted with an 8-0 roll call vote.

**ORDINANCE NO. 40-2007** – A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1(*Bev's Threads*)

The Clerk read Ordinance No. 40-2007 on second reading by title only.

This Ordinance is a request by Bev's Threads Etc., LLC/Theo. Tiedermann @ Sons Inc. for a seven-year tax abatement on equipment valued at \$4,000.00. The Tax Abatement Committee recommended approval.

Council President Parker declared Ordinance No. 40-2007 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 40-2007, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

Councilor Welch moved to advance Ordinance No. 40-2007 to third and final reading and suspend the rules and read by title only, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 40-2007 on third reading by title only.

Ordinance No. 40-2007 was adopted with an 8-0 roll call vote.

**ORDINANCE NO. 41-2008 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM R-3 ONE – EIGHT FAMILY RESIDENTIAL DISTRICT TO R-3 SPECIAL USE DISTRICT (103 South 4<sup>th</sup> Street)**

The Clerk read Ordinance No. 41-2008 on second reading by title only.

This Ordinance is a petition to rezone the property at 103 South 4<sup>th</sup> Street from R-3 One-to-Eight Family Residence District to R-3 One-to-Eight Family Residence Special Use District in order to allow the owner to develop the front room of the residence as an office for a certified reflexologist.

Ordinance No. 41-2008 was heard at the June 26 Richmond Advisory Plan Commission meeting. The Plan Commission voted to recommend approval of the rezoning with the following commitments:

- An unlit sign no larger than 1'x1' be allowed to be placed in the front window;
- No stock in trade will be maintained on the site and no over-the-counter sales will be transacted;
- Reflexology clinician will be certified;
- The site will meet any applicable health codes;
- Any change of business plan that alters the nature of the business, particularly in regard to customer traffic would require an amendment to the rezoning ordinance;

Per Section IC 36-7-4-921 a commitment is binding on:

- The owner of the parcel;
- A subsequent owner of the parcel; and
- A person who acquires an interest in the parcel.

The project may need to be filed with the State of Indiana and would require a local Certificate of Occupancy if it is a change of occupancy classification.

In the event that any of the aforementioned restrictions or requirements of the Richmond City Code are not met in full, the Special Use Rezoning is at that moment in violation of the Richmond City Code.

Councilor Wissel moved to amend the Ordinance to include commitments recommended by the Plan Commission, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

Council President Parker declared Ordinance No. 41-2008 as amended on second reading and public hearing. Speaking in favor was Carol Wages. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 41-2008 as amended, supported by Councilor Miller. Upon a vote viva voce, the motion passed.

Councilor Elstro moved to advance Ordinance No. 41-2008 as amended to third and final reading and suspend the rules and read by title only, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 41-2008 as amended on third reading by title only.

Ordinance No. 41-2008 as amended was adopted with an 8-0 roll call vote

**ORDINANCE NO. 43-2008 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM R-3 ONE – EIGHT FAMILY RESIDENTIAL DISTRICT TO R-3 SPECIAL USE DISTRICT (2019 East Main Street)**

The Clerk read Ordinance No. 43-2008 on second reading by title only.

This Ordinance is a petition to rezone the property at 2019 East Main Street from R-3 One-to-Eight Family Residence District to R-3 One-to-Eight Family Residence Special Use District in order to allow the owner to develop the front room of the residence as an office for an accounting office. The Plan Commission voted unanimously to recommend approval of the rezoning with the following commitments:

- The parking area must be developed to accommodate a minimum of 7 cars;
- Final parking arrangements must meet the approval of the Richmond Traffic Division, the Department of Public Works and Engineering and the Planning Office;
- A sign no larger than 2'x3' be allowed to be placed in the front yard;
- A directional sign should indicate NO EXIT onto East Main Street;
- The sign may not be internally illuminated;
- Any change of business plan that alters the nature of the business, particularly in regard to customer traffic would require an amendment to the rezoning ordinance;

Per Section IC 36-7-4-921 a commitment is binding on:

- The owner of the parcel;
- A subsequent owner of the parcel; and
- A person who acquires an interest in the parcel.

The project may need to be filed with the State of Indiana and would require a local Certificate of Occupancy if it is a change of occupancy classification.

In the event that any of the aforementioned restrictions or requirements of the Richmond City Code are not met in full, the Special Use Rezoning is at that moment in violation of the Richmond City Code.

Councilor Wissel moved to amend Ordinance No. 43-2008 to include the commitments recommended by the Plan Commission, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

Council President Parker declared Ordinance No. 43-2008 as amended on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 43-2008 as amended, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

Councilor Wissel moved to advance Ordinance No. 43-2008 as amended to third and final reading and suspend the rules and read by title only, supported by Councilor Miller. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 43-2008 as amended on third reading by title only.

Ordinance No. 43-2008 as amended was adopted with an 8-0 roll call vote.

**ORDINANCE NO. 45-2008** – A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C.6-1.1-12.1 (*Suncall America, Inc – ADI – equipment*)

The Clerk read Ordinance No. 45-2008 on second reading by title only.

This Ordinance is a request of Suncall America, Inc. for a 10-year tax abatement for equipment valued at \$1,530,226.

Councilor Wissel moved to amend this Ordinance to be a seven year abatement, supported by Councilor Miller. Upon a vote viva voce, the motion passed. The Tax Abatement Committee recommended approval of Ordinance No. 45-2008 as amended.

Council President Parker declared Ordinance No. 45-2008 as amended on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Pappin moved for engrossment of Ordinance No. 45-2008 as amended, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

Councilor Wissel moved to advance Ordinance No. 45-2008 as amended to third and final reading and suspend the rules and read by title only, supported by Councilor Miller. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. No. 45-2008 as amended on third reading by title only.

Ordinance No. No. 45-2008 as amended was adopted with an 8-0 roll call vote

**ORDINANCE NO. 46-2008** – A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1 (*Suncall America, Inc. – ADI – equipment*)

The Clerk read Ordinance No. 46-2008 on second reading by title only.

This Ordinance is a request of Suncall America, Inc. for a 10-year tax abatement for real estate valued at \$4,981,105.

Councilor Wissel moved to amend this Ordinance to be an eight year abatement, supported by Councilor Miller. Upon a vote viva voce, the motion passed. The Tax Abatement Committee recommended approval of Ordinance No. 46-2008 as amended.

Council President Parker declared Ordinance No. 46-2008 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Wissel moved for engrossment of Ordinance No. 46-2008, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

Councilor Elstro moved to advance Ordinance No. 46-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 46-2008 on third reading by title only.

Ordinance No. 46-2008 was adopted with an 8-0 roll call vote

**ORDINANCE NO. 49-2008** – A GENERAL ORDINANCE AMENDING CHAPTER 96 OF RICHMOND CODE REGARDING THE USE OF STREETS AND SIDEWALKS

The Clerk read Ordinance No. 49-2008 on first reading by title only.

Presented by Mr. Foster, this Ordinance would amend Chapter 96 of the Richmond Municipal Code to establish the permitting process for special events and allow specified streetscape objects, limited sales of merchandise and seating to be placed on sidewalks which would bring aesthetic quality and livelihood to our public streets and sidewalks with restricted limitations.

Mr. Foster also proposed amendments to the Ordinance as follows:

96.02 (a): Add: *Bike Racks may be installed by a business district as long as a minimum clear straight pathway of 48 inches can be maintained at all times, including when bicycles are attached, and shall meet all other provisions of this chapter. Bike racks must compliment the architecture of the business district and shall have approval of the Board of Public Works and Safety.*

96.02 (a) 4: Add: *daily operations . . . and shall abide by all requirements established in Chapter 154 for outdoor seating. . .*

96.02 (a) 4 (a): Add . . . *and shall abide by all requirements established in chapter 154 for outdoor seating.*

**Ordinance No. 49-2008 was held on second reading until the July 28 meeting.**

**ORDINANCES ON THIRD READING**

None

**CALL FOR ADJOURNMENT**

There being no further business, on a motion duly made, seconded and passed, the meeting was adjourned.

S/S Larry Parker  
Larry Parker, President

ATTEST: S/S Karen Chasteen  
Karen Chasteen, City Clerk